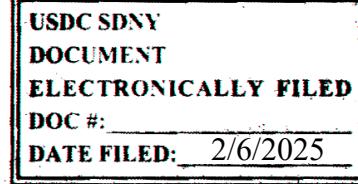


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

X



In re:

03-MD-01570 (GBD)(SN)

**TERRORIST ATTACKS ON
SEPTEMBER 11, 2001**

ORDER

X

SARAH NETBURN, United States Magistrate Judge:

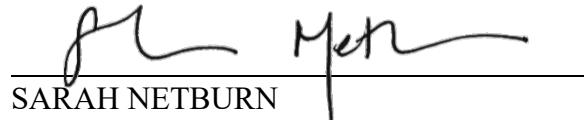
The Court is reviewing the Plaintiffs' motion for default judgment at ECF No. 9879.

Plaintiffs seek a default judgment on behalf of a non-United States national but proceed under the private right of action found at 28 U.S.C. § 1605A, which does not extend to non-U.S. nationals. They also rely on an inapplicable statute to argue that the Court can extend its jurisdiction over their claim. The Alien Tort Statute only "affords jurisdiction for suits against private defendants, not against foreign sovereigns." Mohammadi v. Islamic Republic of Iran, 782 F.3d 9, 17 (D.C. Cir. 2015) (finding no subject matter jurisdiction over claims brought by non-U.S. nationals against Iran under the Alien Tort Statute). It "does not confer any waiver of foreign sovereign immunity." Id. (citing Argentine Republic v. Amerada Hess Shipping Corp., 488 U.S. 428, 438–39 (1989)). The Foreign Sovereign Immunities Act "provides the sole basis for obtaining jurisdiction over a foreign state in federal court." Amerada Hess, 488 U.S. at 439.

The Court takes seriously its responsibility to ensure that the process by which default judgments are entered is thorough and just. The Court therefore invites counsel to refile their motion by February 12, 2025. The Court has previously ruled that it has jurisdiction over personal injury claims brought by non-U.S. nationals under 28 U.S.C. § 1605B(b) and has found Iran liable for assault and battery under New York law. See In re Terrorist Attacks on Sept. 11,

2001, No. 03-md-01570 (GBD)(SN), 2024 WL 4268663 (S.D.N.Y. Jan. 5, 2024) (ECF No. 9506), report and recommendation adopted by 2024 WL 1312504 (Mar. 26, 2024) (ECF No. 9666).

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: February 6, 2025
New York, New York